

# Exhibit 1



Gmail

Stephen Odaibo <sodaibo@retinahealth.ai>

## Unlicensed use of Copyrighted Marketing and Training Materials at Novartis

8 messages

**Stephen Odaibo** <sodaibo@retinahealth.ai>  
To: victor.bulto@novartis.com

Wed, Apr 23, 2025 at 12:02 PM

Dear Victor,

I am a retina specialist who was informed that Novartis has been using my copyrighted anti-VEGF and macular degeneration videos to train the sales staff nationally since 2019. See video urls below. I indicated the videos are for non-commercial purposes unless with permission (and compensation).

Dr. Carolina Betancurt, was working on the matter in 2024 and informed me that the responsible parties within Novartis will get back to me. They did not.

I recently realized Dr. Betancurt left Novartis shortly after our last correspondence in 2024. Upon reaching out to her, she asked that I reach out to you.

The videos were used by Novartis multiple times for multiple purposes. One certain instance was for training the then newly formed retina team in 2019 in preparation to launch RTH258 (Beovu). One specific such session was held on Feb 19th, 2019 with approximately 60 sales reps nationally.

For the record, I have tried for over 1 year to get a response from Novartis, but have gotten no response.

To avoid legal action and any public escalation, please have your team reach out to me this week.

Sincerely,  
Stephen Odaibo

Video 1: [https://youtu.be/2jSyLgCIJ\\_s?feature=shared](https://youtu.be/2jSyLgCIJ_s?feature=shared)

Video 2: <https://youtu.be/i1529o9cOi4?feature=shared>

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retinahealth.ai

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**McGee, Elizabeth** <elizabeth.mcgee@novartis.com>  
To: "sodaibo@retinahealth.ai" <sodaibo@retinahealth.ai>

Wed, Apr 23, 2025 at 2:50 PM

Hello Dr. Odaibo,

Thank you for reaching out about this. Your letter below was shared with me, we are looking into this and will get back to you soon.

Thank you,

Liz

Case 04:25-cv-00210-retinahealth-1 Filed 06/12/25 in TX SD Page 3 of 52  
From: Stephen Odaibo <sodaibo@retinahealth.ai>  
Sent: Wednesday, April 23, 2025 7:02:41 PM  
To: Bulto, Victor <victor.bulto@novartis.com>  
Subject: Unlicensed use of Copyrighted Marketing and Training Materials at Novartis

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**Stephen Odaibo** <sodaibo@retinahealth.ai>  
To: "McGee, Elizabeth" <elizabeth.mcgee@novartis.com>

Wed, Apr 23, 2025 at 4:05 PM

Dear Ms. McGee,

Thank you for your email. Since this has already gone on for so long, I want to be certain that we have clear timelines. When should I expect a response back from Novartis?

Best,  
Stephen

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On Wed, Apr 23, 2025 at 2:50 PM McGee, Elizabeth <elizabeth.mcgee@novartis.com> wrote:

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In case there has been no exchange in writing between you and Dr. Betancurt it would be much helpful if you could specify the circumstances to which you refer below ((e.g. date, event location, duration of the use of the videos etc.) . This would for sure expedite our review and allow us to provide you with a substantive answer without further delay.

Your help is much appreciated. I look forward to hearing from you.

Best regards,

Maria Fernandez Marques

**Maria Fernandez Marques**

Head Legal Brand Protection Rights Management

M +41 794875978

maria.fernandez\_marques@novartis.com

**Intellectual Property**

WSJ-202 4.01.39

CH – 4056 Basel

Switzerland

---

**From:** McGee, Elizabeth <elizabeth.mcgee@novartis.com>

**Sent:** Wednesday, April 23, 2025 3:50 PM

**To:** sodaibo@retinahealth.ai

**Subject:** FW: Unlicensed use of Copyrighted Marketing and Training Materials at Novartis

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**Stephen Odaibo** <sodaibo@retinahealth.ai>

To: "Fernandez Marques, Maria" <maria.fernandez\_marques@novartis.com>

Thu, Apr 24, 2025 at 7:30 PM

Dear Ms. Fernandez Marques,

Thank you for your email. Find my email correspondence with Dr. Betancurt, below.

I have also attached a screenshot of a message she shared with me on linkedin yesterday.

Best,  
Stephen

PS: I also directly forwarded you the email correspondence separately.

----- Forwarded message -----

From: Betancurt, Caro <caro.betancurt@novartis.com>  
Date: Wed, Mar 13, 2024, 11:19AM  
Subject: Re: Retrospective Invoice for Anti-VEGF Training Content License  
To: Stephen Odaibo <sodaibo@retinahealth.ai>

Hi Dr Odaibo. I'm trying to find the best contact person / team for you, I just emailed back two people that could guide us with the information, once I get it I'll share with you.

Best,  
Caro  
From: Stephen Odaibo <sodaibo@retinahealth.ai>  
Sent: Wednesday, March 13, 2024 11:50:20 AM  
To: Betancurt, Caro <caro.betancurt@novartis.com>  
Subject: Re: Retrospective Invoice for Anti-VEGF Training Content License

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Hello Dr. Betancurt,

Can you get me directly in touch with the responsible parties, in case I can help answer any questions they have so as to move this forward?

Best,  
Stephen

On Wed, Mar 13, 2024, 10:28AM Betancurt, Caro <caro.betancurt@novartis.com> wrote:  
Hi Dr Odaibo.  
As mentioned, we don't have anyone in the Ophtha team anymore, I've sent your email to a couple of people and haven't heard back from them.

I will share your email below with them now, hoping they will let you or me know the next steps or the best person to connect with.

Carolina

From: Stephen Odaibo <sodaibo@retinahealth.ai>  
Sent: Wednesday, March 13, 2024 10:59 AM  
To: Betancurt, Caro <caro.betancurt@novartis.com>  
Subject: Re: Retrospective Invoice for Anti-VEGF Training Content License

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Hello Dr. Betancurt,

I'm reaching out again. I've not hear from anyone on your team. Please advise on the status.

Best,  
Stephen

On Fri, Mar 8, 2024, 9:57AM Stephen Odaibo <sodaibo@retinahealth.ai> wrote:  
Good morning Dr. Betancurt,

I am yet to hear from anyone on your team. Can you please update me on the status?

Sincerely,

On Thu, Feb 29, 2024, 3:12 PM Stephen Odaibo <sodaibo@retinahealth.ai> wrote:  
Thank you, Dr. Betancurt.

Best,  
Stephen

---

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On Thu, Feb 29, 2024 at 3:11 PM Betancurt, Caro <caro.betancurt@novartis.com> wrote:  
Dr Odaibo,  
Email received and forwarded to a couple of team members to review this case and get back to you.

Best,  
Carolina  
From: Stephen Odaibo <sodaibo@retinahealth.ai>  
Sent: Thursday, February 29, 2024 1:55 PM  
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My understanding is that the videos were used multiple times for multiple purposes. One certain instance was for training the then newly formed retina team in 2019 in preparation to launch RTH258 (Beovu). One specific such session was held on Feb 19th, 2019 with approximately 60 sales reps nationally.

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Video Link (macular deg): Macular Degeneration: Causes, Symptoms, and Treatments  
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On Thu, Apr 24, 2025, 4:12 PM Fernandez Marques, Maria <maria.fernandez\_marques@novartis.com> wrote:



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**Intellectual Property**

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Case 1:25-cv-02748 Document 17-1 Filed 06/12/25 in TXSD Page 112 of 52  
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Sent: Wednesday, March 13, 2024 10:59 AM  
To: Betancurt, Caro <caro.betancurt@novartis.com>  
Subject: Re: Retrospective Invoice for Anti-VEGF Training Content License

This Message Is From an Untrusted Sender  
You have not previously corresponded with this sender.

Hello Dr. Betancurt,

I'm reaching out again. I've not hear from anyone on your team. Please advise on the status.

Best,  
Stephen

On Fri, Mar 8, 2024, 9:57AM Stephen Odaibo <sodaibo@retinahealth.ai> wrote:  
Good morning Dr. Betancurt,

I am yet to hear from anyone on your team. Can you please update me on the status?

Sincerely,  
Stephen

On Thu, Feb 29, 2024, 3:12 PM Stephen Odaibo <sodaibo@retinahealth.ai> wrote:  
Thank you, Dr. Betancurt.



Best,  
Stephen

---

Dr. Stephen G. Odaibo, M.D., M.S.(Math), M.S.(Comp. Sci.)  
RETINA-AI Health, Inc., Founder and Chief Executive Officer  
Retina Specialist, Board-Certified Ophthalmologist  
Faculty, University of Houston College of Medicine  
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<https://www.linkedin.com/in/sgodaibo>  
[retinahealth.ai](https://retinahealth.ai)

On Thu, Feb 29, 2024 at 3:11 PM Betancurt, Caro <caro.betancurt@novartis.com> wrote:  
Dr Odaibo,  
Email received and forwarded to a couple of team members to review this case and get back to you.

Best,  
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From: Stephen Odaibo <sodaibo@retinahealth.ai>  
Sent: Thursday, February 29, 2024 1:55 PM  
To: Betancurt, Caro <caro.betancurt@novartis.com>  
Subject: Re: Retrospective Invoice for Anti-VEGF Training Content License

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Dear Dr. Betancurt,

I am a retina specialist who was informed that Novartis has been using my anti-VEGF and macular degeneration videos to train the sales staff nationally since at least 2019. I indicated the videos are for non-commercial purposes unless with permission (and compensation). However, I was not contacted by Novartis. Instead, your sales staff informed me about the use of the videos. I would like to be compensated.

My understanding is that the videos were used multiple times for multiple purposes. One certain instance was for training the then newly formed retina team in 2019 in preparation to launch RTH258 (Beovu). One specific such session was held on Feb 19th, 2019 with approximately 60 sales reps nationally.

I am not able to share exact names, but I am sure logs and programs of the training events will confirm the above information.

Kindly connect me with the appropriate departments, so as to retrospectively invoice Novartis for the content license.

Best regards,  
Stephen

Video Link (macular deg): Macular Degeneration: Causes, Symptoms, and Treatments  
Video Link (anti-VEGF): Intravitreal Injection of Anti-VEGF

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<https://www.linkedin.com/in/sgodaibo>  
[retinahealth.ai](https://retinahealth.ai)

On Thu, Apr 24, 2025, 4:12 PM Fernandez Marques, Maria <maria.fernandez\_marques@novartis.com> wrote:

Dear Dr. Odaibo,

Liz McGee shared your correspondence below with me.

As we make the necessary internal inquiries, would you be so kind to share with us the correspondence you exchanged with Dr. Betancurt? Unfortunately, we do not have access to her files and don't know how far she has come in investigating the matter and what she has reported to you, if anything.

In case there has been no exchange in writing between you and Dr. Betancurt it would be much helpful if you could specify the circumstances to which you refer below ((e.g. date, event location, duration of the use of the videos etc.) . This would for sure expedite our review and allow us to provide you with a substantive answer without further delay.

Your help is much appreciated. I look forward to hearing from you.

Best regards,

Maria Fernandez Marques

**Maria Fernandez Marques**

Head Legal Brand Protection Rights Management

M +41 794875978

maria.fernandez\_marques@novartis.com

**Intellectual Property**

WSJ-202 4.01.39

CH – 4056 Basel

Switzerland

**From:** McGee, Elizabeth <elizabeth.mcgee@novartis.com>

**Sent:** Wednesday, April 23, 2025 3:50 PM

**To:** sodaibo@retinahealth.ai

**Subject:** FW: Unlicensed use of Copyrighted Marketing and Training Materials at Novartis

Hello Dr. Odaibo,

Thank you for reaching out about this. Your letter below was shared with me, we are looking into this and will get back to you soon.

Thank you,

Liz

**From:** Stephen Odaibo <sodaibo@retinahealth.ai>  
**Sent:** Wednesday, April 23, 2025 7:02:41 PM  
**To:** Bulto, Victor <victor.bulto@novartis.com>  
**Subject:** Unlicensed use of Copyrighted Marketing and Training Materials at Novartis

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You have not previously corresponded with this sender.

Dear Victor,

I am a retina specialist who was informed that Novartis has been using my copyrighted anti-VEGF and macular degeneration videos to train the sales staff nationally since 2019. See video urls below. I indicated the videos are for non-commercial purposes unless with permission (and compensation).

Dr. Carolina Betancurt, was working on the matter in 2024 and informed me that the responsible parties within Novartis will get back to me. They did not.

I recently realized Dr. Betancurt left Novartis shortly after our last correspondence in 2024. Upon reaching out to her, she asked that I reach out to you.

The videos were used by Novartis multiple times for multiple purposes. One certain instance was for training the then newly formed retina team in 2019 in preparation to launch RTH258 (Beovu). One specific such session was held on Feb 19th, 2019 with approximately 60 sales reps nationally.

For the record, I have tried for over 1 year to get a response from Novartis, but have gotten no response.

To avoid legal action and any public escalation, please have your team reach out to me this week.

Sincerely,  
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Video 1: [https://youtu.be/2jSyLgClJ\\_s?feature=shared](https://youtu.be/2jSyLgClJ_s?feature=shared)

Video 2: <https://youtu.be/i1529o9cOi4?feature=shared>

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Dr. Stephen G. Odaibo, M.D., M.S.(Math), M.S.(Comp. Sci.)  
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[retinahealth.ai](https://retinahealth.ai)



Carolina Betancurt, OD, MBA, - 4:15 PM  
 I don't have access to emails from Novartis people as I don't have any Novartis contacts and the people I knew is gone.

They told me they will communicate w you directly so I don't have anything else to do on my end.  
 As I explained before I never worked on this program and didn't know who or how things happened

But you can reach directly to the Austin Song or Victor Bulto thru LinkedIn. I don't have their emails.

Screenshot\_20250424\_192021\_LinkedIn.jpg  
 248K

---

**Fernandez Marques, Maria** <maria.fernandez\_marques@novartis.com>  
**To:** Stephen Odaibo <sodaibo@retinahealth.ai>

Fri, Apr 25, 2025 at 5:07 AM

Dear Stephen

Thank you for your prompt response. I apologize for the delay you have faced following your initial contact with Dr. Betancurt.

I can already provide you with some preliminary information. Novartis has not promoted Revvax for quite some time, so any activities to train our field force with respect to this product have been discontinued. We are working to determine when exactly this happened, as this will allow us to delimitate the period during which any materials whatsoever have been deployed for training purposes.

Next Thursday is a public holiday in Switzerland and the Novartis offices in Basel, where I am based, will be closed also on Friday. Therefore, I will revert to you until the end of the following week, i.e., by May 9. I hope that until then we will have made progress in our internal inquiries. If you in the meantime locate anything in your records besides the event on February 19, 2019, to which you referred in your first e-mail to Dr. Betancourt, please let us know.

Best regards,

Maria

**Maria Fernandez Marques**

Head Legal Brand Protection Rights Management

M +41 794875978

maria.fernandez\_marques@novartis.com

**Intellectual Property**

WSJ-202 4.01.39

CH – 4056 Basel

Switzerland

**From:** Stephen Odaibo <sodaibo@retinahealth.ai>

**Sent:** Freitag, 25. April 2025 02:34

**To:** Fernandez Marques, Maria <maria.fernandez\_marques@novartis.com>

**Subject:** Re: FW: Unlicensed use of Copyrighted Marketing and Training Materials at Novartis

---

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Dear Ms. Fernandez Marques,

I'm resending now with screenshot also attached. Please let me know by what date I should expect to hear back from you.

Stephen

----- Forwarded message -----

From: Betancurt, Caro <caro.betancurt@novartis.com>  
Date: Wed, Mar 13, 2024, 11:19 AM  
Subject: Re: Retrospective Invoice for Anti-VEGF Training Content License  
To: Stephen Odaibo <sodaibo@retinahealth.ai>

Hi Dr Odaibo. I'm trying to find the best contact person / team for you, I just emailed back two people that could guide us with the information, once I get it I'll share with you.

Best,

Caro

From: Stephen Odaibo <sodaibo@retinahealth.ai>  
Sent: Wednesday, March 13, 2024 11:50:20 AM  
To: Betancurt, Caro <caro.betancurt@novartis.com>  
Subject: Re: Retrospective Invoice for Anti-VEGF Training Content License

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Hello Dr. Betancurt,

Can you get me directly in touch with the responsible parties, in case I can help answer any questions they have so as to move this forward?

Best,

Stephen

On Wed, Mar 13, 2024, 10:28 AM Betancurt, Caro <caro.betancurt@novartis.com> wrote:

Hi Dr Odaibo.

As mentioned, we don't have anyone in the Ophtha team anymore, I've sent your email to a couple of people and haven't heard back from them.



I will share your email below with them now, hoping they will let you or me know the next steps or the best person to connect with.

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Sincerely,  
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Dr Odaibo,

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Best,

Carolina

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My understanding is that the videos were used multiple times for multiple purposes. One certain instance was for training the then newly formed retina team in 2019 in preparation to launch RTH258 (Beovu). One specific such session was held on Feb 19th, 2019 with approximately 60 sales reps nationally.

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Video Link (macular deg): Macular Degeneration: Causes, Symptoms, and Treatments

Video Link (anti-VEGF): Intravitreal Injection of Anti-VEGF

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retinahealth.ai

On Thu, Apr 24, 2025, 7:30 PM Stephen Odaibo <sodaibo@retinahealth.ai> wrote:

Dear Ms. Fernandez Marques,

Thank you for your email. Find my email correspondence with Dr. Betancurt, below.

I have also attached a screenshot of a message she shared with me on linkedin yesterday.

Please let me know by what date I should expect to hear back from you.

Best,

Stephen

PS: I also directly forwarded you the email correspondence separately.

----- Forwarded message -----

From: Betancurt, Caro <caro.betancurt@novartis.com>

Date: Wed, Mar 13, 2024, 11:19 AM

Subject: Re: Retrospective Invoice for Anti-VEGF Training Content License

Hi Dr Odaibo. I'm trying to find the best contact person / team for you, I just emailed back two people that could guide us with the information, once I get it I'll share with you.

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retinahealth.ai

On Thu, Apr 24, 2025, 4:12 PM Fernandez Marques, Maria <maria.fernandez\_marques@novartis.com> wrote:

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As we make the necessary internal inquiries, would you be so kind to share with us the correspondence you exchanged with Dr. Betancurt? Unfortunately, we do not have access to her files and don't know how far she has come in investigating the matter and what she has reported to you, if anything.

In case there has been no exchange in writing between you and Dr. Betancurt it would be much helpful if you could specify the circumstances to which you refer below ((e.g. date, event location, duration of the use of the videos etc.) . This would for sure expedite our review and allow us to provide you with a substantive answer without further delay.

Your help is much appreciated. I look forward to hearing from you.

Best regards,

Maria Fernandez Marques

**Maria Fernandez Marques**

Head Legal Brand Protection Rights Management

M +41 794875978

maria.fernandez\_marques@novartis.com

**Intellectual Property**

WSJ-202 4.01.39

CH – 4056 Basel

Switzerland

**From:** McGee, Elizabeth <elizabeth.mcgee@novartis.com>

**Sent:** Wednesday, April 23, 2025 3:50 PM

**To:** sodaibo@retinahealth.ai

**Subject:** FW: Unlicensed use of Copyrighted Marketing and Training Materials at Novartis

Hello Dr. Odaibo,

Thank you for reaching out about this. Your letter below was shared with me, we are looking into this and will get back to you soon.

Thank you,

Liz

---

**From:** Stephen Odaibo <sodaibo@retinahealth.ai>

**Sent:** Wednesday, April 23, 2025 7:02:41 PM

**To:** Bulto, Victor <victor.bulto@novartis.com>

**Subject:** Unlicensed use of Copyrighted Marketing and Training Materials at Novartis

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Dear Victor,

I am a retina specialist who was informed that Novartis has been using my copyrighted anti-VEGF and macular degeneration videos to train the sales staff nationally since 2019. See video urls below. I indicated the videos are for non-commercial purposes unless with permission (and compensation).

Dr. Carolina Betancurt, was working on the matter in 2024 and informed me that the responsible parties within Novartis will get back to me. They did not.

I recently realized Dr. Betancurt left Novartis shortly after our last correspondence in 2024. Upon reaching out to her, she asked that I reach out to you.

The videos were used by Novartis multiple times for multiple purposes. One certain instance was for training the then newly formed retina team in 2019 in preparation to launch RTH258 (Beovu). One specific such session was held on Feb 19th, 2019 with approximately 60 sales reps nationally.

For the record, I have tried for over 1 year to get a response from Novartis, but have gotten no response.

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Fellow of The American Society of Retina Specialists

**Stephen Odaibo** <sodaibo@retinahealth.ai>  
To: "Fernandez Marques, Maria" <maria.fernandez\_marques@novartis.com>

Fri, Apr 25, 2025 at 8:42 AM

Dear Ms. Fernandez Marques,

Thank you for your timeline guidance. Of note, I was not contacted by Novartis regarding its intent to use my copyrighted work products. Instead, I attempted to engage Novartis after the infringement, but till now, faced significant difficulty in getting a response. The pattern has not been to disclose.

Of note, regarding Beovu, the launch of a new drug with a then projected annual peak market revenue of \$2.5 B, is a serious Novartis-wide endeavor with a significant marketing budget.

The information available to me is that Novartis has not discontinued the sale of Beovu. Instead, net revenue from Beovu till date is in the range \$1B or higher.

More importantly, the use of my work products for the training of your entire Beovu launch salesforce is highly unlikely to be localized in scope to Beovu, whose distribution and sales continue to generate revenue for Novartis to this day.

Novartis assessed that my copyrighted work products are valuable for training and marketing, will result in a competent salesforce, and will yield profits for Novartis. They were right.

Hopefully, the discovery and negotiation process will be transparent, forthright, collaborative, efficient, and fair.

Enjoy the holiday weekend, and I look forward to hearing back from you by May 9th.

Best,  
Stephen

---

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Dear Stephen

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I can already provide you with some preliminary information: Novartis has not promoted Beovu for quite some time, so any activities to train our field force with respect to this product have been discontinued. We are working to determine when exactly this happened, as this will allow us to delimitate the period during which any materials whatsoever have been deployed for training purposes.

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Best regards,

Maria

**Maria Fernandez Marques**

Head Legal Brand Protection Rights Management

maria.fernandez\_marques@novartis.com

**Intellectual Property**

WSJ-202 4.01.39

CH – 4056 Basel

Switzerland

**From:** Stephen Odaibo <sodaibo@retinahealth.ai>

**Sent:** Freitag, 25. April 2025 02:34

**To:** Fernandez Marques, Maria <maria.fernandez\_marques@novartis.com>

**Subject:** Re: FW: Unlicensed use of Copyrighted Marketing and Training Materials at Novartis

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Dear Ms. Fernandez Marques,

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Best,

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**From:** Betancurt, Caro <caro.betancurt@novartis.com>

**Date:** Wed, Mar 13, 2024, 11:19 AM

**Subject:** Re: Retrospective Invoice for Anti-VEGF Training Content License

**To:** Stephen Odaibo <sodaibo@retinahealth.ai>



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Hi Dr Odaibo.

As mentioned, we don't have anyone in the Ophtha team anymore, I've sent your email to a couple of people and haven't heard back from them.

I will share your email below with them now, hoping they will let you or me know the next steps or the best person to connect with.

Carolina

From: Stephen Odaibo <sodaibo@retinahealth.ai>

Sent: Wednesday, March 13, 2024 10:59 AM

To: Betancurt, Caro <caro.betancurt@novartis.com>

Subject: Re: Retrospective Invoice for Anti-VEGF Training Content License

This Message Is From an Untrusted Sender

Hello Dr. Betancurt,

I'm reaching out again. I've not hear from anyone on your team. Please advise on the status.

Best,

Stephen

On Fri, Mar 8, 2024, 9:57 AM Stephen Odaibo <sodaibo@retinahealth.ai> wrote:

Good morning Dr. Betancurt,

I am yet to hear from anyone on your team. Can you please update me on the status?

Sincerely,

Stephen

On Thu, Feb 29, 2024, 3:12 PM Stephen Odaibo <sodaibo@retinahealth.ai> wrote:

Thank you, Dr. Betancurt.

Best,

Stephen

---

Dr. Stephen G. Odaibo, M.D., M.S.(Math), M.S.(Comp. Sci.)

RETINA-AI Health, Inc., Founder and Chief Executive Officer

Retina Specialist, Board-Certified Ophthalmologist

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<https://www.linkedin.com/in/sgodaibo>

retinahealth.ai

On Thu, Feb 29, 2024 at 3:11 PM Betancurt, Caro <caro.betancurt@novartis.com> wrote:

Dr Odaibo,

Best,

Carolina

From: Stephen Odaibo <sodaibo@retinahealth.ai>

Sent: Thursday, February 29, 2024 1:55 PM

To: Betancurt, Caro <caro.betancurt@novartis.com>

Subject: Re: Retrospective Invoice for Anti-VEGF Training Content License

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Dear Dr. Betancurt,

I am a retina specialist who was informed that Novartis has been using my anti-VEGF and macular degeneration videos to train the sales staff nationally since at least 2019. I indicated the videos are for non-commercial purposes unless with permission (and compensation). However, I was not contacted by Novartis. Instead, your sales staff informed me about the use of the videos. I would like to be compensated.

My understanding is that the videos were used multiple times for multiple purposes. One certain instance was for training the then newly formed retina team in 2019 in preparation to launch RTH258 (Beovu). One specific such session was held on Feb 19th, 2019 with approximately 60 sales reps nationally.

I am not able to share exact names, but I am sure logs and programs of the training events will confirm the above information.

Kindly connect me with the appropriate departments, so as to retrospectively invoice Novartis for the content license.

Best regards,

Stephen

Video Link (macular deg): Macular Degeneration: Causes, Symptoms, and Treatments

Video Link (anti-VEGF): Intravitreal Injection of Anti-VEGF

---

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Fellow of The American Society of Retina Specialists

<https://www.linkedin.com/in/sgodaibo>

retinahealth.ai

On Thu, Apr 24, 2025, 7:30 PM Stephen Odaibo <sodaibo@retinahealth.ai> wrote:

Dear Ms. Fernandez Marques,

Thank you for your email. Find my email correspondence with Dr. Betancurt, below.

I have also attached a screenshot of a message she shared with me on linkedin yesterday.

Please let me know by what date I should expect to here back from you.

Best,

Stephen

PS: I also directly forwarded you the email correspondence separately.

----- Forwarded message -----

From: Betancurt, Caro <caro.betancurt@novartis.com>

Date: Wed, Mar 13, 2024, 11:19 AM

Subject: Re: Retrospective Invoice for Anti-VEGF Training Content License

To: Stephen Odaibo <sodaibo@retinahealth.ai>

Hi Dr Odaibo. I'm trying to find the best contact person / team for you, I just emailed back two people that could guide us with the information, once I get it I'll share with you.

Best,

Caro

Sent: Wednesday, March 13, 2024 11:50:20 AM

To: Betancurt, Caro <caro.betancurt@novartis.com>

Subject: Re: Retrospective Invoice for Anti-VEGF Training Content License

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Hello Dr. Betancurt,

Can you get me directly in touch with the responsible parties, in case I can help answer any questions they have so as to move this forward?

Best,

Stephen

On Wed, Mar 13, 2024, 10:28 AM Betancurt, Caro <caro.betancurt@novartis.com> wrote:

Hi Dr Odaibo.

As mentioned, we don't have anyone in the Ophtha team anymore, I've sent your email to a couple of people and haven't heard back from them.

I will share your email below with them now, hoping they will let you or me know the next steps or the best person to connect with.

Carolina

From: Stephen Odaibo <sodaibo@retinahealth.ai>

Sent: Wednesday, March 13, 2024 10:59 AM

To: Betancurt, Caro <caro.betancurt@novartis.com>

Subject: Re: Retrospective Invoice for Anti-VEGF Training Content License

This Message Is From an Untrusted Sender

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Hello Dr. Betancurt,

I'm reaching out again. I've not hear from anyone on your team. Please advise on the status.

Best,

On Fri, Mar 8, 2024, 9:57 AM Stephen Odaibo <sodaibo@retinahealth.ai> wrote:

Good morning Dr. Betancurt,

I am yet to hear from anyone on your team. Can you please update me on the status?

Sincerely,

Stephen

On Thu, Feb 29, 2024, 3:12 PM Stephen Odaibo <sodaibo@retinahealth.ai> wrote:

Thank you, Dr. Betancurt.

Best,

Stephen

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Dr. Stephen G. Odaibo, M.D., M.S.(Math), M.S.(Comp. Sci.)

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Fellow of The American Academy of Ophthalmology

<https://www.linkedin.com/in/sgodaibo>

retinahealth.ai

On Thu, Feb 29, 2024 at 3:11 PM Betancurt, Caro <caro.betancurt@novartis.com> wrote:

Dr Odaibo,

Email received and forwarded to a couple of team members to review this case and get back to you.

Best,

Carolina

From: Stephen Odaibo <sodaibo@retinahealth.ai>

Sent: Thursday, February 29, 2024 1:55 PM

To: Betancurt, Caro <caro.betancurt@novartis.com>



This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Dear Dr. Betancurt,

I am a retina specialist who was informed that Novartis has been using my anti-VEGF and macular degeneration videos to train the sales staff nationally since at least 2019. I indicated the videos are for non-commercial purposes unless with permission (and compensation). However, I was not contacted by Novartis. Instead, your sales staff informed me about the use of the videos. I would like to be compensated.

My understanding is that the videos were used multiple times for multiple purposes. One certain instance was for training the then newly formed retina team in 2019 in preparation to launch RTH258 (Beovu). One specific such session was held on Feb 19th, 2019 with approximately 60 sales reps nationally.

I am not able to share exact names, but I am sure logs and programs of the training events will confirm the above information.

Kindly connect me with the appropriate departments, so as to retrospectively invoice Novartis for the content license.

Best regards,

Stephen

Video Link (macular deg): Macular Degeneration: Causes, Symptoms, and Treatments

Video Link (anti-VEGF): Intravitreal Injection of Anti-VEGF

---

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Fellow of The American Academy of Ophthalmology

<https://www.linkedin.com/in/sgodaibo>

[retinahealth.ai](http://retinahealth.ai)

On Thu, Apr 24, 2025, 4:12 PM Fernandez Marques, Maria <[maria.fernandez\\_marques@novartis.com](mailto:maria.fernandez_marques@novartis.com)> wrote:

Dear Dr. Odaibo,

Liz McGee shared your correspondence below with me.

As we make the necessary internal inquiries, would you be so kind to share with us the correspondence you exchanged with Dr. Betancurt? Unfortunately, we do not have access to her files and don't know how far she has come in investigating the matter and what she has reported to you, if anything.

In case there has been no exchange in writing between you and Dr. Betancurt it would be much helpful if you could specify the circumstances to which you refer below ((e.g. date, event location, duration of the use of the videos etc.) . This would for sure expedite our review and allow us to provide you with a substantive answer without further delay.

Your help is much appreciated. I look forward to hearing from you.

Best regards,

Maria Fernandez Marques

Maria Fernandez Marques

Head Legal Brand Protection Rights Management

M +41 794875978

maria.fernandez\_marques@novartis.com

Intellectual Property

WSJ-202 4.01.39

CH – 4056 Basel

Switzerland

**From:** McGee, Elizabeth <elizabeth.mcgee@novartis.com>

**Sent:** Wednesday, April 23, 2025 3:50 PM

**To:** sodaibo@retinahealth.ai

**Subject:** FW: Unlicensed use of Copyrighted Marketing and Training Materials at Novartis

Hello Dr. Odaibo,

Thank you for reaching out about this. Your letter below was shared with me, we are looking into this and will get back to you soon.

Thank you,

Liz

**From:** Stephen Odaibo <[sodaibo@retinahealth.ai](mailto:sodaibo@retinahealth.ai)>  
**Sent:** Wednesday, April 23, 2025 7:02:41 PM  
**To:** Bulto, Victor <[victor.bulto@novartis.com](mailto:victor.bulto@novartis.com)>  
**Subject:** Unlicensed use of Copyrighted Marketing and Training Materials at Novartis

**This Message Is From an Untrusted Sender**

You have not previously corresponded with this sender.

Dear Victor,

I am a retina specialist who was informed that Novartis has been using my copyrighted anti-VEGF and macular degeneration videos to train the sales staff nationally since 2019. See video urls below. I indicated the videos are for non-commercial purposes unless with permission (and compensation).

Dr. Carolina Betancurt, was working on the matter in 2024 and informed me that the responsible parties within Novartis will get back to me. They did not.

I recently realized Dr. Betancurt left Novartis shortly after our last correspondence in 2024. Upon reaching out to her, she asked that I reach out to you.

The videos were used by Novartis multiple times for multiple purposes. One certain instance was for training the then newly formed retina team in 2019 in preparation to launch RTH258 (Beovu). One specific such session was held on Feb 19th, 2019 with approximately 60 sales reps nationally.

For the record, I have tried for over 1 year to get a response from Novartis, but have gotten no response.

To avoid legal action and any public escalation, please have your team reach out to me this week.

Sincerely,  
Stephen Odaibo

Video 1: [https://youtu.be/2jSyLgClJ\\_s?feature=shared](https://youtu.be/2jSyLgClJ_s?feature=shared)

Video 2: <https://youtu.be/i1529o9cOj4?feature=shared>

---

Dr. Stephen G. Odaibo, M.D., M.S.(Math), M.S.(Comp. Sci.)  
RETINA-AI Health, Inc., Founder and Chief Executive Officer  
Retina Specialist, Board-Certified Ophthalmologist  
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<https://www.linkedin.com/in/sgodaibo>  
[retinahealth.ai](https://retinahealth.ai)



Stephen Odaibo &lt;sodaibo@retinahealth.ai&gt;

---

**Alleged use of Copyrighted Marketing and Training Materials by Novartis**

4 messages

**Fernandez Marques, Maria** <maria.fernandez\_marques@novartis.com>

Wed, May 7, 2025 at 2:40 PM

To: Stephen Odaibo &lt;sodaibo@retinahealth.ai&gt;

Dear Dr. Odaibo,

As promised, I am reverting to you on the above matter.

We have made comprehensive inquiries with various Novartis colleagues who are familiar with the commercial history of the Beovu product and we have also extensively researched our archives, including by means of electronic searches. We searched for documents, including correspondence, training and promotional materials referring to your name and / or to your presentation, which we understand includes a video showing you administering an injectable ophthalmic preparation to a patient.

To illustrate how in-depth our research has been I can share with you that we located for example the records of four calls made to you by a Novartis sales representative named Katherine Cornish – who is no longer with Novartis - between January 5 and April 30, 2018. We have records of the exact time when each of such calls took place and that the discussed products were DUREZOL and SIMBRINZA.

Unfortunately, we could not find any indication that your presentation has been used as a whole or in part in any internal or external event organized by Novartis for any purpose whatsoever.

Novartis is an Intellectual Property based company and, as such, we fully understand the value of IP and we respect third party rights. Should you be able and willing to share with us any information you have that might contradict our findings and offer concrete elements for us to conduct a new document research, we would be more than happy to do so.

I remain at your disposal for further clarification.

Yours sincerely,

Maria Fernandez Marques

**Maria Fernandez Marques**

Head Legal Brand Protection Rights Management

M +41 794875978

maria.fernandez\_marques@novartis.com

**Intellectual Property**

CH – 4056 Basel

Switzerland

**Stephen Odaibo** <sodaibo@retinahealth.ai>  
To: "Fernandez Marques, Maria" <maria.fernandez\_marques@novartis.com>

Sat, May 10, 2025 at 9:10 AM

Dear Ms. Fernandez Marques:

Thank you for identifying Katherine Cornish as a former Novartis employee, who previously interacted with me on behalf of Novartis.

Please find attached the linkedin message to me from Katherine Cornish, which she sent to me on Feb 19th 2019 while employed by Novartis and specifically during her training to become a Beovu (RTH258) sales representative. In the message she states that my videos were used by Novartis to train the entire Beovu (RTH258) sales team.

**REQUEST FOR ADMISSION:**

1. Was Katherine Cornish a member of Novartis' Beovu launch sales team? (Yes/No)
2. Was Katherine Cornish trained by Novartis to become a sales representative for Beovu? (Yes/No)

**REQUEST FOR INFORMATION:**

1. I hereby request the complete list of names of all persons whom Novartis trained as sales representatives for Beovu.
2. I hereby request the complete list of names of all persons who served as trainers for the Beovu sales team.
3. I hereby request a complete list of videos that were used to train the Beovu sales team about the indications of use of the drug (e.g. macular degeneration).
4. I hereby request a complete list of videos that were used to train the Beovu sales team on what the anti-VEGF injection procedure entails.
5. I hereby request an event log of all sales representative training activities that took place for Beovu during the week of Feb 18th 2019 and particularly on Tuesday Feb 19th 2019.

To avoid legal action and any public escalation of this already protracted matter, please respond to this email by Wednesday May 14th, 2025.

Sincerely,  
Stephen

← Kathy Cornish ⋮ ☆



Kathy Cornish  
Strategic Account Executive at Biogen

FEB 19, 2019

Kathy Cornish · 9:03 AM  
Hope you remember me. I was your Alcon/Novartis Rep while you were at MA.

Wanted to share a couple of things with you!

First, I made the cut to be in our newly formed retina team that will hopefully be launching RTH258

The team is all being trained right now. Very comprehensive and thorough. Well along with the Novartis training people are sending around great you tube videos to aid in our learning

Well right now I am listening to a 48 minute you tube video where you are presenting and explaining nAMD to a room of patients and caregivers

Just thought you would get a kick out of the fact the entire nation (60 reps) are listening to you teach! ⬇

← Kathy Cornish ⋮ ☆

formed retina team that will hopefully be launching RTH258

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Just thought you would get a kick out of the fact the entire nation (60 reps) are listening to you teach!

I need to get a better understanding of your company and how AI will intersect with retinal diseases

Learning so much right now. It makes me laugh that I have worked in ophthalmology for 18 years at Alcon/Novartis with front of eye. One would think I would know more about the retina. Ha! No!!

Anyway, I miss occasionally seeing you in Dubuque. I hope you and the family are well!

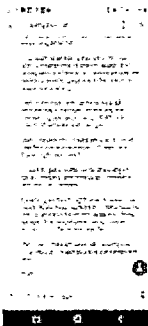
Kath ⬇

---

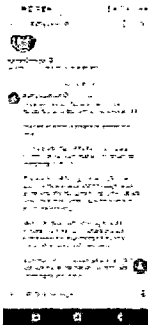
Dr. Stephen G. Odaibo, M.D., M.S.(Math), M.S.(Comp. Sci.)  
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<https://www.linkedin.com/in/sgodaibo>  
[retinahealth.ai](http://retinahealth.ai)



[Quoted text hidden]

**2 attachments**

**Screenshot\_20250508\_143848\_LinkedIn.jpg**  
520K



**Screenshot\_20250508\_143836\_LinkedIn.jpg**  
491K

**Fernandez Marques, Maria** <maria.fernandez\_marques@novartis.com>  
To: Stephen Odaibo <sodaibo@retinahealth.ai>

Mon, May 12, 2025 at 5:06 AM

Dear Dr. Odaibo,

I acknowledge receipt of this e-mail. I will revert to you in due course, but you will appreciate that we will not be able to address all the questions / requests you raise within such a short notice (three working days).

I can assure you that this matter is receiving our full and prompt attention. Following our first contact I reverted to you with a substantive response even earlier than the date agreed upon, having deployed a significant effort (my own and of various colleagues) to conduct a document search based on the very limited information you had provided us. I will carefully review your additional statements and your requests, reverting to you in due course. In the meantime, please feel free to reach out to me in case of questions or if you have any additional information to facilitate our discussions.

Yours sincerely,

Maria

[Quoted text hidden]

**This Message Is From an External Sender**

This message came from outside your organization.

Dear Ms. Fernandez Marques:

Thank you for identifying Katherine Cornish as a former Novartis employee, who previously interacted with me on behalf of Novartis.

Please find attached the linkedin message to me from Katherine Cornish, which she sent to me on Feb 19th 2019 while employed by Novartis and specifically during her training to become a Beovu (RTH258) sales representative. In the message she states that my videos were used by Novartis to train the entire Beovu (RTH258) sales team.

REQUEST FOR ADMISSION:

1. Was Katherine Cornish a member of Novartis' Beovu launch sales team? (Yes/No)
2. Was Katherine Cornish trained by Novartis to become a sales representative for Beovu? (Yes/No)

REQUEST FOR INFORMATION:

1. I hereby request the complete list of names of all persons whom Novartis trained as sales representatives for Beovu.
2. I hereby request the complete list of names of all persons who served as trainers for the Beovu sales team.
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5. I hereby request an event log of all sales representative training activities that took place for Beovu during the week of Feb 18th 2019 and particularly on Tuesday Feb 19th 2019.

To avoid legal action and any public escalation of this already protracted matter, please respond to this email by Wednesday May 14th, 2025.

Sincerely,

Stephen

← Kathy Cornish ⋮ ☆



Kathy Cornish  
Strategic Account Executive at Biogen

FEB 19, 2019

Kathy Cornish · 9:03 AM  
Hope you remember me. I was your Alcon/Novartis Rep while you were at MA.

Wanted to share a couple of things with you!

First, I made the cut to be in our newly formed retina team that will hopefully be launching RTH258

The team is all being trained right now. Very comprehensive and thorough. Well along with the Novartis training people are sending around great you tube videos to aid in our learning

Well right now I am listening to a 48 minute you tube video where you are presenting and explaining nAMD to a room of patients and caregivers

Just thought you would get a kick out of the fact the entire nation (60 reps) are listening to you teach!

← Kathy Cornish ⋮ ☆

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Learning so much right now. It makes me laugh that I have worked in ophthalmology for 18 years at Alcon/Novartis with front of eye. One would think I would know more about the retina. Ha! No!!

Anyway, I miss occasionally seeing you in Dubuque. I hope you and the family are well!

Kath

[Quoted text hidden]  
[Quoted text hidden]

Stephen Odaibo <sodaibo@retinahealth.ai>  
To: "Fernandez Marques, Maria" <maria.fernandez\_marques@novartis.com>

Mon, May 12, 2025 at 8:58 AM

Dear Ms. Fernandez Marques:

Case 1:25-cv-02748 Document 1-1 Filed 06/12/25 Page 44 of 52  
I believe the given time frame is appropriate as you should already have the information requested. For instance, in your prior response you identified Katherine Cornish as a former Novartis sales representative who has interacted with me on Novartis' behalf. Furthermore, you identified both drugs for which she did so: DUREZOL and SIMBRINZA. Therefore, your database is indexed by sales personnel, drug, physician, date/time of interaction, and more.

As such, you already have the REQUEST FOR ADMISSION items and should reasonably be able to respond to those today.

In addition, the personnel related items in the REQUEST FOR INFORMATION are also readily available to you, and you should be able to revert today.

Regarding the training event logs and materials (i.e. videos) items in the REQUEST FOR INFORMATION, I expect that Novartis keeps meticulous records and respects intellectual property, as you stated in your email. Therefore, this information should also be readily available to you at most within a few days from today.

As such, in order to avoid legal action and any public escalation, I hereby request a formal and complete response to both the REQUEST FOR ADMISSION and the REQUEST FOR INFORMATION no later than Tuesday May 20th, 2025 (more than one full week from today).

This is a generous extension considering that Novartis has been looking into this for more than one year already, and has already failed multiple times to revert back to me as promised following internal investigations into the matter.

Sincerely,  
Stephen

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Dr. Stephen G. Odaibo, M.D., M.S.(Math), M.S.(Comp. Sci.)  
RETINA-AI Health, Inc., Founder and Chief Executive Officer  
Retina Specialist, Board-Certified Ophthalmologist  
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<https://www.linkedin.com/in/sgodaibo>  
[retinahealth.ai](https://retinahealth.ai)

[Quoted text hidden]



Gmail

Stephen Odaibo &lt;sodaibo@retinahealth.ai&gt;

**Alleged Unauthorized Use of Videos**

2 messages

**Fernandez Marques, Maria** <maria.fernandez\_marques@novartis.com>  
To: Stephen Odaibo <sodaibo@retinahealth.ai>

Mon, May 19, 2025 at 5:07 PM

Dear Dr. Odaibo:

I am writing further to our recent emails, regarding your assertion that Novartis infringed your rights in two videos hosted on YouTube by allegedly using them to train BEOVU sales representatives in February, 2019 and other occasions. I now understand that you base this assertion on a message that you received on LinkedIn on February 19, 2019 from Katherine Cornish, a former Novartis employee, shown here:

2:38 65%



Kathy Cornish

**Kathy Cornish**

Strategic Account Executive at Biogen

FEB 19, 2019

**Kathy Cornish** • 9:03 AM

Hope you remember me. I was your  
Alcon/Novartis Rep while you were at MA.

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Just thought you would get a kick out of  
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listening to you teach!



Write a message...



2:38 65%



Kathy Cornish



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of eye. One would think I would know  
more about the retina. Ha! No!!

Anyway, I miss occasionally seeing you  
in Dubuque. I hope you and the family are  
well!

Kath



Write a message...



Although you also have asserted that Novartis used your videos at other unspecified times "since 2019," you have provided no information about your basis, if any, for that assertion.

As I have explained in my prior emails, Novartis has taken your accusations seriously, as it would take any such accusation, and has searched its records for any indication that your videos would have been presented by Novartis to its BEOVU sales representatives in February 2019 or at any other time, and also searched for any references to your name in Novartis's files. Novartis has been very transparent with you in this matter, and, in fact, advised you that your name was located in connection with four calls with Ms. Cornish, which were in a different context than BEOVU training and were unrelated to any alleged use of the videos. (Indeed, it was only after I disclosed this information to you that you shared with me the above screenshots of Ms. Cornish's February 19, 2019 message to you.)

These searches confirm that Novartis has no record of presenting the videos in question to its sales representatives or to anyone else. Nor does Ms. Cornish's 2019 message to you even state that Novartis presented your videos to anyone. To the contrary, the message merely states that "along with the Novartis training," "people are sending around" YouTube videos -- presumably, links to various materials found online, which individuals chose to share with others.

In view of the above, and for the several reasons set forth below, your allegations of copyright infringement are misplaced.

First, as noted above, there is no evidence that Novartis presented your videos to its sales reps or otherwise used the videos in any context. At most, Ms. Cornish's message to you suggests that individual sales reps shared with one another links to various unspecified YouTube videos. There is, therefore, no infringing activity.

Second, as set forth above, the only claimed incident for which you provided a concrete date allegedly took place on February 19, 2019, over six years ago, the exact date of Ms. Cornish's LinkedIn message to you. Under these circumstances, any claim of copyright infringement is barred by the Copyright Act's three-year statute of limitations. 17 U.S.C. § 507(b) ("No civil action shall be maintained under the provisions of this title unless it is commenced within three years after the claim accrued."). Nor could you point to any alleged infringement taking place within the past three years, given that Novartis had ceased all promotion of the BEOVU product by November 2021, and, therefore, any training activities by Novartis of sales representatives in charge of promoting this product, no matter what the content of such trainings had been in the past, would have ended well over three years ago.

Third, you have not identified any copyright registrations owned by you with respect to the videos. Absent copyright registrations, you could not bring suit for any alleged infringement of the copyright in the videos. See 17 U.S.C. §411(a); *Fourth Estate Public Benefit Corp. v. Wall-Street.com*, 586 U.S. 296 (copyright infringement lawsuit must await successful copyright registration in work at issue). Moreover, registration with the United States Copyright Office prior to commencement of any infringement is a prerequisite for recovering either statutory damages or attorneys' fees under the Copyright Act. See 17 U.S.C. § 412. Accordingly, even if you were to prove that Novartis infringed the videos (which, as set forth above, it did not), you could not recover statutory damages or attorneys' fees. Apart from that, your claims would not, even if proven, entitle you to any substantial actual damages or profits, given that it would be extremely speculative to attribute any sales of the BEOVU product to the alleged use of your videos at one sales representative meeting. You would equally not be able to show any significant loss of revenue resulting from individuals viewing videos that are posted for public viewing on YouTube. Indeed, if anything, any viewing of your videos by anyone potentially resulted in increased YouTube revenue for you.

Fourth, any use of the videos as alleged by you would constitute fair use, given that the videos are educational in nature and would have been used for training purposes and given the generally factual nature of the videos as well as the fact that they are publicly available on YouTube.

For the above-stated reasons, you cannot establish that Novartis has engaged in any copyright infringement with respect to the videos at issue. What is more, your demands for additional information and "requests for admission" from Novartis are entirely inappropriate. Novartis has endeavored -- in the spirit of cooperation and in the hope of putting your concerns to rest -- to investigate this matter, and has been transparent with you regarding its findings, but it has no obligation to provide you with what is, in effect, civil litigation discovery.



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We can again assure you that Novartis could not locate any record of having presented the videos in question to its sales representatives, or of using the videos in any way at all, and that Novartis has no intent whatsoever to use the videos. We trust that this matter is now resolved, but if you have any questions or would like to discuss this matter further, please feel free to contact me directly.

Please understand that this message is not a complete statement of Novartis's rights, remedies, or defenses, all of which Novartis expressly reserves.

Yours sincerely,

Maria Fernandez Marques

**Maria Fernandez Marques**

Head Legal Brand Protection Rights Management

M +41 794875978

maria.fernandez\_marques@novartis.com

**Intellectual Property**

WSJ-202 4.01.39

CH – 4056 Basel

Switzerland

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**Stephen Odaibo** <sodaibo@retinahealth.ai>  
To: "Fernandez Marques, Maria" <maria.fernandez\_marques@novartis.com>

Thu, May 22, 2025 at 6:13 AM

Dear Ms. Fernandez Marques:

Your failure to respond to my simple requests for admission and information suggest to me you prefer to receive those requests by court order during the course of litigation.

The lack of response to these simple requests are in line with a pattern of Novartis not cooperating with my discovery efforts. For instance, it took over one year to get any response from Novartis. Per your email Novartis was marketing Beovu as late as Nov 2021, which was within 3 years of my repeatedly reaching out to Novartis and getting no response. You have a long chain of emails showing proof of my diligence as well as proof of non-cooperation on the part of Novartis.

Your own email claims discovery has yet to occur, while simultaneously refusing to cooperate with a request for admission, hence under the "discovery rule" as pertains to copyright statutes limitation, there is more than sufficient legal grounds for a lawsuit.

While the work was not registered with the USPTO prior to the alleged infringement, this does not constrain a lawsuit for actual damages and infringer profits. Furthermore, in Warner Chappell Music, Inc. v. Nealy, the U.S. The Supreme Court made clear that the Copyrights Act places no restriction on the duration of such claim accrual.

One more thing. In your email, you altered a written statement by Kathering Cornish by adding a comma, changing its meaning; yet you placed the altered text in quotation marks without indicating that it has been altered.

You changed: "*Well along with the Novartis training people are sending around*" to "*along with the Novartis training, "people are sending around*"

Furthermore, you left out: "*Just thought you would get a kick out of the fact the entire nation (60 reps) are listening to you teach!*"

REQUEST FOR ADMISSION:

1. Was Katherine Cornish a member of Novartis' Beovu launch sales team? (Yes/No)
2. Was Katherine Cornish trained by Novartis to become a sales representative for Beovu? (Yes/No)

REQUEST FOR INFORMATION:

1. I hereby request the complete list of names of all persons whom Novartis trained as sales representatives for Beovu.
2. I hereby request the complete list of names of all persons who served as trainers for the Beovu sales team.
3. I hereby request a complete list of videos that were used to train the Beovu sales team about the indications of use of the drug (e.g. macular degeneration).
4. I hereby request a complete list of videos that were used to train the Beovu sales team on what the anti-VEGF injection procedure entails.
5. I hereby request an event log of all sales representative training activities that took place for Beovu during the week of Feb 18th 2019 and particularly on Tuesday Feb 19th 2019.

Confirm in writing by Tuesday May 27th, 2025, whether Novartis opts for this to proceed to litigation or would rather consider other means of settlement (e.g. responding to request for information and admission). No response from you by Tuesday May 27th, 2025 would be taken as Novartis has chosen for this to go to litigation.

Sincerely,  
Stephen Odaibo

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Dr. Stephen G. Odaibo, M.D., M.S.(Math), M.S.(Comp. Sci.)  
RETINA-AI Health, Inc., Founder and Chief Executive Officer  
Retina Specialist, Board-Certified Ophthalmologist  
Faculty, University of Houston College of Medicine  
Distinguished Alumni Achievement Award Winner, 2017 -- UAB College of Arts & Sciences  
Barrie Hurwitz Award for Excellence in Neurology, 2005 -- Duke Univ. School of Medicine  
Fellow of The American Society of Retina Specialists  
Fellow of The American Academy of Ophthalmology  
<https://www.linkedin.com/in/sgodaibo>  
[retinahealth.ai](http://retinahealth.ai)

[Quoted text hidden]

----- Forwarded message -----

From: **Stephen Odaibo** <[sodaibo@retinahealth.ai](mailto:sodaibo@retinahealth.ai)>  
Date: Mon, May 12, 2025 at 8:58AM  
Subject: Re: Alleged use of Copyrighted Marketing and Training Materials by Novartis  
To: Fernandez Marques, Maria <[maria.fernandez\\_marques@novartis.com](mailto:maria.fernandez_marques@novartis.com)>

Dear Ms. Fernandez Marques:

I believe the given timeframe is appropriate as you should already have the information requested. For instance, in your prior response you identified Katherine Cornish as a former Novartis sales representative who has interacted with me on Novartis' behalf. Furthermore, you identified both drugs for which she did so: DUREZOL and SIMBRINZA. Therefore, your database is indexed by sales personnel, drug, physician, date/time of interaction, and more.

As such, you already have the REQUEST FOR ADMISSION items and should reasonably be able to respond to those today.

In addition, the personnel related items in the REQUEST FOR INFORMATION are also readily available to you, and you should be able to revert today.

Regarding the training event logs and materials (i.e. videos) items in the REQUEST FOR INFORMATION, I expect that Novartis keeps meticulous records and respects intellectual property, as you stated in your email. Therefore, this information should also be readily available to you at most within a few days from today.

As such, in order to avoid legal action and any public escalation, I hereby request a formal and complete response to both the REQUEST FOR ADMISSION and the REQUEST FOR INFORMATION no later than Tuesday May 20th, 2025 (more than one full week from today).

This is a generous extension considering that Novartis has been looking into this for more than one year already, and has already failed multiple times to revert back to me as promised following internal investigations into the matter.

Sincerely,  
Stephen

Dr. Stephen G. Odaibo, M.D., M.S.(Math), M.S.(Comp. Sci.)  
RETINA-AI Health, Inc., Founder and Chief Executive Officer  
Retina Specialist, Board-Certified Ophthalmologist  
Faculty, University of Houston College of Medicine  
Distinguished Alumni Achievement Award Winner, 2017 -- UAB College of Arts & Sciences  
Barrie Hurwitz Award for Excellence in Neurology, 2005 -- Duke Univ. School of Medicine  
Fellow of The American Society of Retina Specialists  
Fellow of The American Academy of Ophthalmology  
<https://www.linkedin.com/in/sgodaibo>  
retinahealth.ai

On Mon, May 12, 2025 at 5:07 AM Fernandez Marques, Maria <maria.fernandez\_marques@novartis.com> wrote:

Dear Dr. Odaibo,

I acknowledge receipt of this e-mail. I will revert to you in due course, but you will appreciate that we will not be able to address all the questions / requests you raise within such a short notice (three working days).

I can assure you that this matter is receiving our full and prompt attention. Following our first contact I reverted to you with a substantive response even earlier than the date agreed upon, having deployed a significant effort (my own and of various colleagues) to conduct a document search based on the very limited information you had provided us. I will carefully review your additional statements and your requests, reverting to you in due course. In the meantime, please feel free to reach out to me in case of questions or if you have any additional information to facilitate our discussions.

Yours sincerely,

Maria

**Maria Fernandez Marques**

Head Legal Brand Protection Rights Management

M +41 794875978

[maria.fernandez\\_marques@novartis.com](mailto:maria.fernandez_marques@novartis.com)

**Intellectual Property**

WSJ-202 4.01.39

CH – 4056 Basel

Switzerland

**From:** Stephen Odaibo <sodaibo@retinahealth.ai>

**Sent:** Samstag, 10. Mai 2025 16:10

**To:** Fernandez Marques, Maria <maria.fernandez\_marques@novartis.com>

**Subject:** Re: Alleged use of Copyrighted Marketing and Training Materials by Novartis

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**This Message Is From an External Sender**

This message came from outside your organization.

Dear Ms. Fernandez Marques:

Thank you for identifying Katherine Cornish as a former Novartis employee, who previously interacted with me on behalf of Novartis.

Please find attached the linkedin message to me from Katherine Cornish, which she sent to me on Feb 19th 2019 while employed by Novartis and specifically during her training to become a Beovu (RTH258) sales representative. In the message she states that my videos were used by Novartis to train the entire Beovu (RTH258) sales team.

**REQUEST FOR ADMISSION:**

1. Was Katherine Cornish a member of Novartis' Beovu launch sales team? (Yes/No)
2. Was Katherine Cornish trained by Novartis to become a sales representative for Beovu? (Yes/No)

**REQUEST FOR INFORMATION:**

1. I hereby request the complete list of names of all persons whom Novartis trained as sales representatives for Beovu.
2. I hereby request the complete list of names of all persons who served as trainers for the Beovu sales team.
3. I hereby request a complete list of videos that were used to train the Beovu sales team about the indications of use of the drug (e.g. macular degeneration).
4. I hereby request a complete list of videos that were used to train the Beovu sales team on what the anti-VEGF injection procedure entails.
5. I hereby request an event log of all sales representative training activities that took place for Beovu during the week of Feb 18th 2019 and particularly on Tuesday Feb 19th 2019.

To avoid legal action and any public escalation of this already protracted matter, please respond to this email by Wednesday May 14th, 2025.

Sincerely,

Stephen

Dr. Stephen G. Odaibo, M.D., M.S.(Math), M.S.(Comp. Sci.)  
RETINA-AI Health, Inc., Founder and Chief Executive Officer  
Retina Specialist, Board-Certified Ophthalmologist

Faculty, University of Houston College of Medicine  
Distinguished Alumni Achievement Award Winner, 2017 -- UAB College of Arts & Sciences  
Barrie Hurwitz Award for Excellence in Neurology, 2005 -- Duke Univ. School of Medicine  
Fellow of The American Society of Retina Specialists



On Wed, May 7, 2025 at 2:40 PM Fernandez Marques, Maria <maria.fernandez\_marques@novartis.com> wrote:

Dear Dr. Odaibo,

As promised, I am reverting to you on the above matter.

We have made comprehensive inquiries with various Novartis colleagues who are familiar with the commercial history of the Beovu product and we have also extensively researched our archives, including by means of electronic searches. We searched for documents, including correspondence, training and promotional materials referring to your name and / or to your presentation, which we understand includes a video showing you administering an injectable ophthalmic preparation to a patient.

To illustrate how in-depth our research has been I can share with you that we located for example the records of four calls made to you by a Novartis sales representative named Katherine Cornish – who is no longer with Novartis - between January 5 and April 30, 2018. We have records of the exact time when each of such calls took place and that the discussed products were DUREZOL and SIMBRINZA.

Unfortunately, we could not find any indication that your presentation has been used as a whole or in part in any internal or external event organized by Novartis for any purpose whatsoever.

Novartis is an Intellectual Property based company and, as such, we fully understand the value of IP and we respect third party rights. Should you be able and willing to share with us any information you have that might contradict our findings and offer concrete elements for us to conduct a new document research, we would be more than happy to do so.

I remain at your disposal for further clarification.

[Quoted text hidden]